

REMARKS

In the Office Action, claims 1-16, 19-24, and 30-37 were rejected. By the present Response, claims 1, 19, 30, 35, and 36 are amended and claim 10 is cancelled. Upon entry of the amendments, claims 1-9, 11-16, 19-24, and 30-37 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

Claim Objections

Claims 35 and 36 have been amended to correct a typographical error contained therein, as pointed out by the Examiner.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-11, 14-16, 19-24, 30-33, and 35-37 under 35 U.S.C 102(e) as being anticipated by Wallman (U.S. Patent No. 6,338,047 B1). Applicants traverse this rejection.

Legal Precedent

Anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Omitted Features of Independent Claims 1, 19, and 30 Regarding a Specified Duration

Independent claims 1, 19 and 30 recite a “standing order of a *customer specified duration*.” (emphasis added). As set forth by the specification the present technique provides:

a length of standing order menu 120 to enable a customer to select the *period of time* that the customer desires the standing order to be in effect. The illustrated length of standing order menu 120 is a pull down menu having a number of

portions of the length of time the customer desires to have the standing order in place, such as: a month, a quarter, a year, etc.

See, Application, page 19, lines 14-18; see also Fig. 7. (emphasis added)

In contrast, Wallman fails to disclose a standing order of *a customer specified duration*. (emphasis added). At best, Wallman teaches a standing order that “can be modified at any time in the event the investor decides to shift his or her investment strategy.” Wallman, col. 10, lines 41-42. Particularly, Wallman discloses a system intended for “hands off” investors, such that funds may be automatically transferred on a semi-monthly basis. Wallman, col. 10, lines 34-45. Hence, in Wallman funds may be transferred automatically and periodically in accordance with a specified frequency, which suggests minimal investor (customer) intervention and interaction with an investment process. Thus, the system of Wallman is more directed towards easing investors’ activities by automating a periodic standing order.

This is in contrast to the claimed invention which provides more customer options, such as setting a time duration for a standing order, enhancing customer interaction in an ordering process. Accordingly, the disclosure of Wallman lacks the manner in which a customer may specify the duration of the standing order and/or means or methods for providing an investor (customer) to specify the duration of the standing order.

This feature of the invention was recited in original claim 10. In rejecting claim 10 (now cancelled), the Examiner referred to the rejection of claim 14. However, the formulation of neither rejection in any way addresses specifying a duration of an electronically communicated standing order. Again, Wallman has been thoroughly reviewed and found to provide no such teaching.

In view of these deficiencies, the cited reference cannot anticipate claims 1, 19, and 30 and claims dependent therefrom. Accordingly, Applicants respectfully contend that independent claims 1, 19, and 30 and their dependent claims are allowable.

Omitted Features of Independent Claims 1, 19, and 30 Regarding a Specified Location

Independent claims 1, 19, and 30 also recite a product, good, or service delivered “to a customer specified location.” Accordingly, the present technique is directed towards standing orders of products, goods, and services, deliverable to actual, tangible, and/or physical locations specified by a customer, requiring tangible and/or physical means for shipment and delivery thereof. Thus, a product, good, or service may be delivered to an actual address, as indicated by Fig. 10, element 166 of the Application. Further, as stated by the specification “[t]he quantity to be delivered for each item is displayed in a shipment quantity box 194.” Application, page 24, line 23-page 25, line 1. Hence, the system developed and claimed by the Applicants accommodates entry and modification of addresses for which services, goods, and products may be delivered to.

In contrast, Wallman provides a service whereby an unlimited number of investors may purchase shares in a mutual fund reflecting the interests and preferences of thousands or millions of different persons. Wallman, col.3, lines 61-65. Such a system provides services over *virtual-not physical* means, merely requiring computer programs and communication protocols implemented by devices, such as computers and modems. Such a manner of providing a service is clearly distinct from the one recited in independent claims 1, 19, and 30. Due to the virtual nature of the service and the virtual means for providing it, as taught by Wallman, the cited reference does not and cannot disclose means enabling a customer to specify a physical location where the service may be sent to and/or received.

In view of these deficiencies, the cited reference cannot anticipate claims 1, 19, and 30 and claims dependent therefrom. Accordingly, Applicants respectfully contend that independent claim 1, 19, and 30 and their dependent claims are allowable.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 12, 13, and 34 under 35 U.S.C. § 103(a) as obvious over Wallman in view of knowledge assumed by Official Notice. Applicants respectfully traverse the rejections. Applicants respectfully submit that claims 12, 13, and 34 are allowable based on their respective dependencies from independent claims 1 and 30, because the Official Notice does not cure the deficiencies described above in regard to Wallman. For at least these reasons, Applicants respectfully assert that the Examiner has clearly not established a *prima facie* case of obviousness with regard to claims 12, 13, and 34. Accordingly, Applicants respectfully request that the Examiner allow claims 12, 13, and 34.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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29
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